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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,237	04/26/2000	Reuven Battat	47185/93889	1598

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EXAMINER

DONAGHUE, LARRY D

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/559,237

Applicant(s)

BATTAT ET AL.

Examiner

Larry D Donaghue

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 1-3 are presented for examination.
2. The rejections are maintained and set forth below.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Purcell et al., (U.S. Patent No. 6,260,158), and the Computer Dictionary, 3rd ed., Microsoft Press, p. 24 359, 1997.
5. Regarding claim 3, Purcell et al. anticipates the claimed invention by disclosing peer processors that each detect a connection outage between them, saving the transactions during the outage, and then propagating the transactions between the systems after the connection between the peers is restored (Fig. 2; col. 5 line 66 to col. 6 line 6). The Microsoft Press computer dictionary teaches that in a peer-to-peer architecture (see definition), such as the 120 architecture disclosed in Purcell, a peer is capable of acting as a server to others in the network. When acting one peer acts as a server, the other peer requesting a service is acting as a client. Purcell, as explained by the Microsoft Press Computer Dictionary, therefore anticipates the claimed method.
6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson et al. (5,987,376) in view of Rosenman (6,012,984).

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Regarding claim 1, Olson teaches the invention substantially as claimed by disclosing a method comprising: Transmitting a game data from a server application to a client application (col. 8 lines 40-42); Transmitting a state update from the server application to the client application (col. 10 lines 11-16 state update col. 8 line 65 to Col. 9 line 1; col. 9, lines 30-33); Synchronizing the game data and the state update between the server application and the client application (col. 9 lines 44-49 and 58-61);

Updating the game data after the step of synchronizing (col. 10 lines 1-5) an already admitted player computer modifies/updates its game data).

8. Olson does not explicitly teach a method wherein the game is implemented using object oriented techniques such that the game data is an object, the game state is an object state, and the step of updating the object is done by invoking a server application method.

9. Roseman on the other hand teaches a game system implemented using object oriented programming techniques (col. 8 lines 29-40; col. 9 lines 23-28 and 40-44).

10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Olson to use Roseman's object oriented programming techniques to implement Olson's gaming system. This modification would have been obvious using object oriented programming would increase the maintainability of the Olson's gaming code. In the modified system, the game data would be an object and the state update would be an object state, thereby teaching the first three steps of the claim. As to the limitation that the step of updating the object is done by invoking a server application method, this limitation flows logically from the concept of encapsulation, which is they object oriented programming technique of keeping together data structures and the methods (procedures) which act on them. When an already admitted player computer would update its game object, it would have to do so through a game object method. Accordingly, the combination of Olson in view of Roseman teaches a method wherein the step of updating the object is done by invoking a server application method.

11. Regarding claim 2, Olson teaches a method further comprising resynchronizing the object and object state between the server application and the client application after the updating step (col. 10 lines 1-5 other clients participating in the game send their state update after modifying their game data).

12. Applicant's arguments filed 02/08/2004 have been fully considered but they are not persuasive.

13. Applicant argues with regards to claim 3, Applicants respectfully submit that Purcell et al. fails to disclose all of the elements of independent claim 3. Specifically, Purcell et al. does not disclose the use of a client-server architecture. Applicants note that the dictionary definition of "peer-to-peer" draws an explicit distinction between a peer-to-peer architecture and a client/server architecture. The definition indicates that "[u]nlike a client/server architecture, a dedicated file server is not required. However,

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network performance is generally not as good as under client/server, especially under heavy loads."

Therefore, Purcell et al. does not teach the use of a client/server architecture.

14. Applicant has not claimed a client/server architecture, merely a server application and a client application.

15. Applicant argues with regards to claims 1-2, Applicants contend that the burden of showing prima facie obviousness has not been met. Specifically, with respect to claim 1, Applicants contend that the prior art fails to disclose "synchronizing the object and object state between the server application and the client application."

16. Olson teaches a Hosting client , a hosting client performs the function of the server.

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

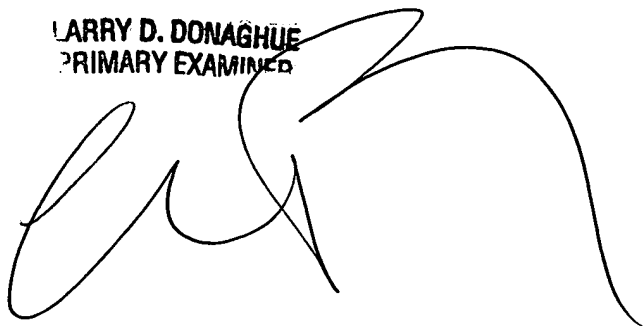
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D Donaghue whose telephone number is 571-272-3962. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LARRY D. DONAGHUE  
PRIMARY EXAMINER

A large, stylized handwritten signature in black ink, likely belonging to Larry D. Donaghue, is written over the printed name and title.